

Press ReleaseNational Labor Relations Board Office of the General Counsel

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Contact:

Office of Public Affairs 202-273-1991 publicinfo@nlrb.gov www.nlrb.gov

Federal judge orders rehiring of 27 NY workers fired for union activity

At the request of attorneys for the National Labor Relations Board, a federal judge has ordered a New York moving company to offer reinstatement to 27 employees who were laid off soon after a union filed a petition for an election at their workplace.

In issuing the injunction Tuesday against Flat Rate Movers, Ltd, U.S. District Court Judge Denise Cote said that "there is reasonable cause to believe that (the employer) has engaged in serious and pervasive unfair labor practices" and that without immediate interim relief, "enforcement of important provisions of the Act and of the public policy underlying it will be thwarted."

The injunction, sought by Celeste Mattina, director of the NLRB's Region 2, was granted under Section 10(j) of the National Labor Relations Act and will remain in effect pending final disposition of the case by the NLRB. The order also prohibits the employer from interrogating employees or threatening them with discharge because they engage in union activities. Employees have 30 days to decide whether or not to accept the offers.

The case dates back to the summer of 2009, when the employer allegedly threatened and interrogated employees regarding their support for Local 116 of the United Food and Commercial Workers union. Soon after the union filed a petition for election, the employer laid off about 20% of its permanent workforce. An election was held, but the result was not determined because of the large number of challenged ballots and objections by the union related to the layoffs.

The administrative hearing is scheduled to open on July 14. Unless there is a settlement, the Board will decide whether the Employer violated the law, as alleged, and whether a rerun election should be held.

The National Labor Relations Board is an independent federal agency vested with the power to safeguard employees' rights to organize and to determine whether to have unions as their bargaining representative. The agency also acts to prevent and remedy unfair labor practices committed by private sector employers and unions.